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August 6, 2015

**VIA ECF AND ELECTRONIC MAIL
(BERNSTEIN.CHAMBERS@NYSB.USCOURTS.GOV)**

Honorable Stuart M. Bernstein
United States Bankruptcy Court
Southern District of New York
One Bowling Green
New York, New York 10004-1408

*Re: Picard v. 1096-1100 River Road Associates, LLC, et al., Adv. Pro. No. 10-05390
(Bankr. S.D.N.Y.)*

Dear Judge Bernstein:

We are counsel to Irving H. Picard (the "Trustee"), as trustee for the substantively consolidated liquidation of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. § 78aaa *et seq.*, and the estate of Bernard L. Madoff. We write to request a conference with the Court, pursuant to Local Bankruptcy Rule 7007-1(b), with respect to defendants' failure to comply with any of their discovery obligations under the Federal Rules of Civil Procedure.

On December 1, 2014, the Trustee served the Trustee's initial disclosures; on March 11, 2015, the Trustee served the Trustee's First Set of Interrogatories; and on June 29, 2015, the Trustee served the Trustee's First Set of Requests for Admission and First Set of Requests for the Production of Documents. Under the Case Management Notice filed in this proceeding, the deadline for completion of fact discovery was July 29, 2015. Yet Defendants have neither served initial disclosures nor responded to any of the Trustee's written discovery.

The Trustee's counsel attempted to confer with counsel for defendants in a good faith effort to resolve by agreement the matter without the intervention of the Court, as required by this Court's Local Rules and your Honor's Chambers' Rules. In addition to several telephone messages, the Trustee's counsel emailed defendants' counsel on January 13, 2015 to inquire as to defendants' failure to serve initial disclosures, but did not receive any response. On July 20, 2015, the Trustee sent counsel a letter outlining the deficiencies and stating that the Trustee would exercise his rights to remedy the

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Honorable Stuart M. Bernstein
August 6, 2015
Page 2

discovery deficiencies absent immediate and complete compliance with defendants' discovery obligations. Counsel did not respond to this message. On August 4, 2015 and again on August 5, 2015, the Trustee's counsel telephoned counsel and left additional messages. Counsel failed to return these calls.

Based on the foregoing, and pursuant to Local Bankruptcy Rule 7007-1(b), the Trustee respectfully requests a conference with the Court to resolve this matter. Such a conference will assist the Trustee in completing the discovery to which he is entitled in these proceedings, and will hopefully obviate the need for discovery-related motion practice.

Sincerely,

/s/ Edward J. Jacobs

Edward J. Jacobs
Partner

cc: Ferve Ozturk
Marc Hirschfield
Richard Abrahamsen
Peter Shapiro